IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

FAO.No. 51 of 2007()

AGAINST THE ORDER DATED 25/01/2007 IN IA 5742/2006 IN OS.419/2002 of I ADDL.SUB COURT,THIRUVANANTHAPURAM

APPELLANTS/DEFENDANTS 1 & 4
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1. INDIAN INSTITUTE OF WOMEN AND CHILD HEALTH TRUST, REP. BY ITS DIRECTOR, BALTAGUNDU ROAD, SEMPATTI P.O., DINDIGUL DISTRICT, STATE OF TAMIL NADU.

2. S.GUNASEKHARAN, S/O.SETHURAMAN, AGED 49, DHANALAKSHMI NAGAR, AMBATHURAI, GANDHIGRAM POST, DINDIGAL DISTRICT, TAMIL NADU.

BY ADV. SRI.J.S.AJITHKUMAR

RESPONDENT: PLAINTIFF

VARIYAM PARAMBIL COIR & COIR MACHINES, REPRESENTED BY ITS SOLE PROPRIETOR, PLOT NO.54, SAHIYADRI, KALPAKA NAGAR, CHAKAI, THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

I.A.NO. 512/2007 IN F.A.O.NO.51/2007

DISMISSED

SD/- KURIAN JOSEPH, JUDGE

15/3/2007 SD/- K.T.SANKARAN, JUDGE

//TRUE COPY//

AHZ/

KURIAN JOSEPH & K.T. SANKARAN, JJ.

F.A.O. NO. 51 OF 2007

Dated this the 15th day of March, 2007

JUDGMENT

Kurian Joseph, J.

Learned counsel on both sides agreed that the appeal itself can be disposed of in terms of the interim order dated 13.3.2007. The order reads as follows:

> "The first appellant undertakes to pay an amount of Rs.3.5 lakhs on or before 20.6.2007 in full and final settlement of the entire claims arising out of the decree. This undertaking is recorded. Learned counsel for the respondent submits that they are agreeable to settle the plaint claim for the above amount of Rs.3.5 lakhs. In view of the settlement as above, proceedings for execution of the decree shall be deferred for a period of four months."

On payment of the amount of Rs.3.5 lakhs within the stipulated time in full and final settlement of the decree claim, the appeal will stand allowed and if not, the appeal will stand dismissed.

(KURIAN JOSEPH)
Judge

(K.T.SANKARAN)
Judge

ahz/